

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

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**WRIT PETITION NO : 8084 of 1995**

Between:

Mangipudi Visweswara Srinivasarao, adopted son of late Veera Venkata  
Satyanarayana and his wife Smt.Sitamma and natural son of Mangipudi  
Suryanarayana, aged 52 years,  
R/o.Peddapuram, East Godavari District

**..... PETITIONER**

AND

- 1 The Revenue Divisional Officer and Land Acquisition Officer,  
Peddapuram, East Godavari District.
- 2 The Chairman and Managing Director, D.C.L. Polysters Ltd.,  
Head Office, 6-3-666/B, Deccan Chambers,  
Somajiguda, Hyderabad - 500 482.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the  
circumstances stated in the Affidavit filed herein the High Court may be pleased to  
issue suitable Writ or direction preferably in the nature of Writ of Mandamus/order or  
direction directing the respondents to refer the matter to Sub Court, Peddapuram  
under Sections 30 and 18 of the Land Acquisition Act for determining the proper  
compensation for the lands acquired in S.No.912/2, Ac.38-60 cents and S.No.916/2  
Ac.27-90 cents of Peddapuram village, Peddapuram Mandal, East Godavari District.

**Counsel for the Petitioner: MR. E.SUBBA RAO**

**Counsel for Respondent No.1: GOVERNMENT PLEADER FOR LAND  
ACQUISITION**

**Counsel for Respondent No.2: S.SURYAPRAKASA RAO**

**The Court made the following:**

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**ORDER:**

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This writ petition is filed seeking to direct the respondents to refer the matter to Sub Court, Peddapuram, East Godavari District under Sections 18 and 30 of the Land Acquisition Act for determining proper compensation for the lands acquired in S.No.912/2 ac.38-60 cents and S.No.916/2 ac.27-90 cents of Peddapuram village, Peddapuram Mandal, East Godavari District.

The Revenue Divisional Officer, Peddapuram, sought to acquire about Ac.1000-00 of land in Peddapuram village, for construction of factory of DCL Polysters. It is his case that out of the said land, their family owns an extent of Ac.38-60 cents and Ac.27-90 cents in Sy. Nos. 912/2 and 916/2 respectively, and that in a suit for partition, he got one-seventh share, and that the 1<sup>st</sup> respondent, without paying any compensation, sought to acquire the lands in the village, which is illegal and arbitrary. He, therefore, prays for a direction to the 1<sup>st</sup> respondent to pay him compensation for acquisition of his share of land.

Today when the matter is taken up for hearing, the learned Government Pleader appearing on behalf of the 1<sup>st</sup> respondent and the implead petitioner, namely Special Deputy Collector, APIIC Limited, Visakhapatnam, on the basis of the counter-affidavit and the affidavit filed in support of the implead petition, submitted that at the time of negotiations under the Land Acquisition Act, the petitioner submitted Photostat copy of decree dated 6-1-1982 in O.S.No.6 of 1981 on the file of Subordinate Judge, Peddapuram and claimed 1/7<sup>th</sup> share out of ac.27-90 cents in Survey No.916/2 of Peddapuram village. As per the survey report, the petitioner got possession of ac.3-88 cents only in the said Survey number. Pursuant to the same, he was paid a total sum of Rs.4,07,400/- for an extent of ac.3-88 cents in Survey No.916/2 at the rate of Rs.1.05 lakhs per acre fixed through negotiations. The

petitioner accepted the amount of Rs.4,07,400/- in total, i.e. 80% of compensation initially and also for remaining 20% of compensation as per the negotiated rate without disclosing about the present writ petition filed by him. In fact the petitioner filed sworn affidavit dated 23-7-1996 before the Revenue authorities confirming that he is entitled to 1/7<sup>th</sup> share of compensation and also confirmed receipt of the 1/7<sup>th</sup> share towards compensation. As such, no further amount is payable to him towards compensation of the land. It is significant to note that he has submitted affidavit to the LAO stating that he is the owner of the land in Survey No.916/2 to an extent of ac.3-88 cents of Peddapuram village and agreed to receive the compensation at negotiated rate of Rs.1.05 lakhs per acre and also executed agreement under Form-III and also bond in Form-5D claiming ownership of the land to an extent of ac.3-88 cents only. Therefore, the present writ petition is not maintainable in the light of the affidavit, agreement, bond and another sworn affidavit dated 23-7-1997 submitted by him at the time of negotiations and at the time of receiving the amount of compensation wherein the petitioner categorically admitted having received compensation for 1/7<sup>th</sup> share out of ac.20-88 cents and ac.27-90 cents in Survey Nos.912/2 and 916/2 respectively of Peddapuram village.

In view of the averments made in the affidavit filed in support of the petition, the contention of the petitioner that no compensation was paid to the petitioner, cannot be accepted. Be that as it may, since the petitioner has already received the compensation and also filed affidavit before the LAO agreeing to receive the compensation at negotiated rate of Rs.1.05 lakhs per acre and also executed agreement under Form-III and also bond in Form-5D claiming ownership of the land to an extent of ac.3-88 cents only, he is not entitled to seek reference.

In the circumstances, no further orders are required in this writ petition. Accordingly, the writ petition is closed.

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**(N.V.RAMANA, J)**

Dated: 24<sup>th</sup> August, 2004.

Ksr/Ak\*

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1.The Revenue Divisional Officer and Land Acquisition Officer,  
Peddapuram, East Godavari District.
- 2.Two CCs to the Government Pleader for Land Acquisition,  
High Court Buildings, Hyderabad (O.U.T).
- 3.Two CD copies.